

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1395 CS Traffic Safety
SPONSOR(S): Sorensen
TIED BILLS: **IDEN./SIM. BILLS:** SB 224

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Transportation Committee</u>	<u>12 Y, 2 N, w/CS</u>	<u>Thompson</u>	<u>Miller</u>
2) <u>Transportation & Economic Development Appropriations Committee</u>	<u>15 Y, 2 N</u>	<u>McAuliffe</u>	<u>Gordon</u>
3) <u>State Infrastructure Council</u>	<u>9 Y, 0 N, w/CS</u>	<u>Thompson</u>	<u>Havlicak</u>
4) _____	_____	_____	_____
5) _____	_____	_____	_____

SUMMARY ANALYSIS

HB 1395 w/CS the "Road Rage Reduction Act," expresses the Legislature's finding that "road rage and aggressive careless driving are a growing threat to the public's health, safety, and welfare."

The bill requires that on roads, streets, or highways with two or more lanes allowing for movement in the same direction, no person is to continue to operate a motor vehicle in the most left-hand lane once such person knows or should reasonably know he or she is being overtaken from the rear by a motor vehicle traveling at a higher rate of speed except when such motor vehicle is in the process of overtaking a slower vehicle in an adjacent lane or is preparing for a left turn.

The bill increases the number of traffic violations from two to three that a person must commit simultaneously or in succession to be guilty of "aggressive careless driving" and includes failure to yield to overtaking vehicles as one of these traffic violations. A violation is a non-criminal traffic infraction punishable by a \$60 fine plus applicable fees and court costs. The fees and court costs vary from county to county, but the total paid for each citation would range from \$112.50 to \$133.50, and an assessment of applicable points. In addition to the fines and accumulation of points, the bill provides that any person convicted of aggressive careless driving will be punished upon a first conviction, by fine of \$100 and on a second or subsequent conviction, by a fine of not less than \$250 or more than \$500 and will be subject to a mandatory hearing.

The bill directs this increased fine money to the Department of Health Administrative Trust Fund to support certified trauma centers. Fifty percent is to be allocated equally among all Level I, Level II, and pediatric trauma centers in recognition of readiness costs for maintaining trauma services and fifty percent is to be allocated among Level I, Level II, and pediatric trauma centers based on each center's relative volume of trauma cases as reported in the Department of Health Trauma Registry.

The Department of Highway Safety and Motor Vehicles (DHSMV) is required to conduct a public awareness campaign to inform the motoring public about changes in the law, and to utilize, in cooperation with the Florida Highway Patrol, public service announcements.

HB 1395 w/CS prohibits behavior that is currently lawful. It is unknown how many traffic citations will be issued pursuant to the bill's provisions, therefore the resulting increase in revenue to the state and local governments cannot be determined.

The bill provides an effective date of July 1, 2006.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

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DATE: 4/10/2006

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide limited government—The bill extends government regulation over the behavior of motorists by prohibiting currently lawful operation of motor vehicles in the left-hand lane of multi-lane roadways.

Safeguard individual liberty—The bill restricts the freedom of an individual to operate a motor vehicle in the left-hand lane of a multi-lane roadway under certain circumstances, which is allowed under current law.

B. EFFECT OF PROPOSED CHANGES:

Under current law, a motor vehicle proceeding upon any roadway at less than the normal speed of traffic under prevailing conditions must be driven in the right-hand lane. However, the requirement does not apply when the motor vehicle is overtaking or passing another vehicle proceeding in the same direction, or when preparing for a left turn.

On a two-way roadway having four or more lanes, no vehicle may be driven to the left of the centerline of the roadway, except when authorized by official traffic control devices designating certain lanes to the left side of the center of the roadway for use by traffic not otherwise permitted to use such lanes, or except to overtake or pass, or to prepare for a left turn.

Nothing in current law prohibits a person from operating a motor vehicle in the leftmost lane of multiple lanes traveling in the same direction, where the leftmost lane is not reserved for vehicles carrying multiple passengers.

Section 316.1923, F.S., defines “aggressive careless driving” as committing two or more of the following acts simultaneously or in succession:

- Exceeding the posted speed limit;
- Unsafely or improperly changing lanes;
- Following another vehicle too closely;
- Failing to yield the right-of-way;
- Improperly passing; or
- Violating traffic control and signal devices.

Current law, s. 318.14, F.S., relating to noncriminal traffic infractions, provides that a person who does not hold a commercial driver’s license and who is issued a citation for speeding may elect to pay the fine without appearing before a hearing officer or judge and to attend a basic driver improvement course approved by DHSMV. In such a case, adjudication is withheld, points as provided by s. 322.27, F.S., are not assessed, and the civil penalty is reduced by 18 percent. A person is allowed to attend a driver improvement course in lieu of appearing before a hearing officer or judge once every twelve months, but not more than five times in total.

Section 318.19, F.S., provides that citations for the following infractions require a mandatory hearing:

- Any infraction which results in a crash and causes the death of another person;
- Any infraction which results in a crash that causes “serious bodily injury” of another person;
- Any infraction of failing to stop for a school bus; or
- Any infraction of failing to secure loads on vehicles.

HB 1395 w/CS provides legislative findings that road rage and aggressive careless driving are a growing threat to the public’s health, safety, and welfare. The bill provides that road rage occurs when a

driver or passenger intentionally injures or kills, or attempts or threatens to injure or kill, another motorist, passenger, or pedestrian. Aggressive careless driving is when a driver commits multiple traffic control violations simultaneously or in succession. The bill states that it is the intent of the Legislature to reduce road rage and aggressive careless driving, to reduce the incidence of drivers interfering with the movement of traffic, to minimize crashes, and to promote the safe, orderly, and free flow of traffic on the roads and highways of the state.

The bill requires that on roads, streets, or highways with two or more lanes allowing for movement in the same direction, no person is to continue to operate a motor vehicle in the most left-hand lane once the person knows or should reasonably know he or she is being overtaken from the rear by another motor vehicle traveling at a higher rate of speed. The bill provides exceptions to this requirement when the slower motor vehicle is in the process of overtaking another vehicle in an adjacent lane or is preparing to turn left.

The bill also amends s. 316.1923, F.S., increasing the number of traffic violations from two to three that a person must commit simultaneously or in succession to be guilty of "aggressive careless driving." The bill also includes failing to yield to overtaking vehicles as one of these traffic violations. A violation is a non-criminal traffic infraction punishable as a moving violation. Offenders would be subject to a \$60 fine plus applicable fees and court costs for each violation. The fees and court costs vary from county to county, but the total paid for each citation would range from \$112.50 to \$133.50, and an assessment of applicable points against the driver's license for each of the acts violated.

Moving violations typically result in assessment of three points, unless the infraction or offense is among those considered more serious. For example, reckless driving, passing a stopped school bus, and speeding in excess of 15 mph over the posted limit all require assessment of four points. Leaving the scene of a crash and speeding resulting in a crash require assessment of six points. All other moving violations require assessment of three points. Section 322.27, F.S., sets out the points system for traffic violations.

In addition to the fines and accumulation of points, the bill provides that any person convicted of aggressive careless driving will be punished upon a first conviction, by fine of \$100 and on a second or subsequent conviction, by a fine of not less than \$250 or more than \$500. The bill also amends s. 318.19, F.S. to require a mandatory hearing for a second or subsequent citation for aggressive careless driving.

The bill also provides that moneys received from the increased fine for aggressive careless driving are to be remitted to the Department of Revenue and deposited into the Department of Health Administrative Trust Fund to provide financial support to certified trauma centers to assure the availability and accessibility of trauma services throughout the state. These funds are required to be allocated as follows:

- Fifty percent shall be allocated equally among all Level I, Level II, and pediatric trauma centers in recognition of readiness costs for maintaining trauma services.
- Fifty percent shall be allocated among Level I, Level II, and pediatric trauma centers based on each center's relative volume of trauma cases as reported in the Department of Health Trauma Registry.

The DHSMV is required to conduct a public awareness campaign to inform the motoring public about changes in the law, and to utilize, in cooperation with the Florida Highway Patrol, public service announcements. The scope of the campaign will be limited by DHSMV's existing resources for such campaigns and announcements.

C. SECTION DIRECTORY:

Section 1. Providing a popular name.

Section 2. Providing a statement of Legislative findings and intent.

Section 3. Amends s. 316.083, F.S., to require operators of motor vehicles to drive in the right-hand lane on certain roads, streets, or highways.

Section 4. Amends s. 316.1923, F.S., to revise aggressive careless driving provisions and fines, to provide for the allocation of moneys received from the increased fine, and to provide penalties for three or more violations of certain traffic violations.

Section 5. Amends s. 318.19, F.S., to requiring a mandatory hearing for a second or subsequent citation for aggressive careless driving.

Section 6. Provides for a public awareness campaign and public service announcements.

Section 7. Provides an effective date of July 1, 2006.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

See FISCAL COMMENTS section, below.

2. Expenditures:

See FISCAL COMMENTS section, below.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

See FISCAL COMMENTS section, below.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

A person violating the aggressive careless driving provision would be subject to a \$60 fine plus applicable fees and court costs for each violation. The fees and court costs vary from county to county, but the total paid for each citation would range from \$112.50 to \$133.50, and an assessment of applicable points against the driver's license for each violation.

D. FISCAL COMMENTS:

HB 1395 w/CS prohibits behavior that is currently lawful. It is unknown how many traffic citations will be issued pursuant to the bill's provisions, therefore the resulting increase in revenue to the state and local governments is indeterminate.

To the extent that the bill deters unsafe traffic activity in Florida, crash-related injuries and deaths could be reduced thereby decreasing associated medical and insurance costs.

The bill directs the DHSMV to conduct a public awareness campaign (including public service announcements) regarding the changes in the law. Because the bill does not provide additional funding

to the agency for the campaign, the scope of the public awareness campaign will be limited by what funds are available for such purposes within DHSMV's existing resources.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because this bill does not appear to: require cities or counties to spend funds or take actions requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

No exercise of rulemaking authority is required to implement the provisions of this bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

On **March 21, 2006** the Committee on Transportation adopted a strike-all amendment to HB 1395. The amendment made the following changes:

- Provided the popular name the "Road Rage Reduction Act."
- Provided a statement of Legislative intent that road rage occurs when a driver or passenger intentionally injures or kills, or attempts or threatens to injure or kill, another motorist, passenger, or pedestrian and aggressive careless driving is when a driver commits multiple traffic control violations simultaneously or in succession.
- Amended s. 316.083, F.S., to provide that on roads, streets, or highways with two or more lanes allowing for movement in the same direction, no person is to continue to operate a motor vehicle in the most left-hand lane when being overtaken.
- Amended s. 316.1923, F.S., to revise aggressive careless driving provisions and to provide penalties for three or more violations of certain traffic violations.
- Amended s. 318.19, F.S., to require a mandatory hearing for a second or subsequent citation for aggressive careless driving.
- Provided that the DHSMV must conduct a public awareness campaign to the motoring public and provide public service announcements regarding changes to the law.
- Provided an effective date of July 1, 2006.

On **April 10, 2006** the State Infrastructure Council adopted an amendment to HB 1395 w/CS. The amendment made the following changes:

- Moneys received from the increased fine must be remitted to the Department of Revenue and deposited into the Department of Health Administrative Trust Fund to provide financial support to certified trauma centers to assure the availability and accessibility of trauma services throughout the state. The funds to be deposited into the Administrative Trust Fund under this section are to be allocated as follows:
 - Fifty percent shall be allocated equally among all Level I, Level II, and pediatric trauma centers in recognition of readiness costs for maintaining trauma services.

- Fifty percent shall be allocated among Level I, Level II, and pediatric trauma centers based on each center's relative volume of trauma cases as reported in the Department of Health Trauma Registry.

The Council then voted 9-0 to report the bill favorably with council substitute.